

On motion of Senator F. M. Henry, Senator Blassingame was added to the committee.

On motion of Senator Storey, Senator Stephens was added to the committee.

The President, after reading its caption, signed Senate Bill No. 362, "An Act to define and regulate the duties of County Attorneys."

On motion of Senator Burton, the Senate adjourned until Monday, at 9 o'clock A. M.

NINETY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 7, 1876. }

Senate met pursuant to adjournment. President in the chair.

Journal of Saturday adopted.

The following explanation was presented by Senator McLeary, and ordered spread upon the journal:

In the journal of the 3rd of August, the following errors occur:

First—"Senator McLeary offered the following amendment: In Section 1, after line 22, insert, 'for S. H. Stevens, Deputy Sheriff of Bexar county, for expenses incurred in bringing taxes to the Treasury, \$121.00.' Adopted."

Second—"Senator McLeary offered the following: Insert, after line 51, 'for rent of school-houses prior to the 18th of April, 1876, to be paid in vouchers approved by the Board of Education, \$10,000.' Lost."

Third—"The motion of Senator McLeary to reconsider the vote passing House Bill No. 412, just passed, was laid on the table."

These errors were duly pointed out, and what purported to be corrections entered by the Journal Clerk as follows:

Two typographical errors occurred in the amendments offered by Senator McLeary on yesterday to House Bill No. 412, "The deficiency bill: "S. H. Stevens," should have been, "E. H. Stevens," and "in vouchers," should have been, "on vouchers."

By an oversight, the motion of Senator McLeary, made yesterday, to reconsider the vote passing House Bill No. 412, and to lay that motion on the table, and which was carried, was recorded in the passive form of the verb, and not the active, as he made it, and the change not being satisfactory, this correction is made.

The name of of Mr. Stevens is E. A. Stevens, and should have been so recorded.

The motion in regard to reconsideration was, and should have been recorded thus:

"Senator McLeary moved to reconsider the vote just taken on the final passage of House Bill No. 412, and moved to lay that motion on the table," which motion to lay on the table was adopted.

A message was received from the House, announcing that in considering House Bill No. 412, "An Act making appropriations for deficiencies for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years," some errors were discerned in the Senate amendments to the bill, and the same is respectfully returned for correction.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and find correctly engrossed the following bills:

Senate Bill No. 139—"An Act concerning rents of lands and tenements, other than lands for cultivation."

Senate substitute for House Bill No. 71—"An Act to provide for the levying, assessing and collecting of taxes, to pay the interest and the principal on bonds heretofore issued by cities to aid in the construction of railroads and other works of internal improvement."

STEPHENS, *Chairman.*

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled the following bill:

Senate Bill No. 362, entitled: "An Act to define and regulate the duties of County Attorneys."

The same was properly signed and presented to the Governor, Saturday, at 5:10 o'clock, P. M., for his approval.

GRACE, *Chairman.*

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 376, "An Act to provide for the funding of claims due by the school fund, and to provide means of paying the same," and I am instructed by the committee to return the bill to the Senate, with the following amendments, and to recommend that the same, as amended, do pass.

STOREY, *Chairman.*

Strike out all after Section 4 of the bill and insert the following:

"SEC. 5. That an annual *ad valorem* tax of fifteen cents on every one hundred dollars worth of property subject to taxation in this State, be and the same is hereby levied, to be collected as other taxes, beginning with the collections of the present year.

"SEC. 6. That the money collected by virtue of this act shall be applied first to the payment of the claims herein named, and the balance, if any, shall be applied to the payment of any other debts of the State due prior to the 18th day of April, A. D. 1876.

"SEC. 7. That the claims herein named having long been due and owing, and the credit of the State having suffered thereby, an imperative public necessity and emergency exists for the immediate passage of this act; it shall therefore take effect and be in force from and after its passage."

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 377, "An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties," and I am instructed to return the bill, with the following amendments, and to recommend that the same, as amended, do pass.

STOREY, *Chairman.*

Add an additional section, to commence after Section 2:

"SEC. 3. Should the tax rolls for 1876 have been completed and

passed from the control of the Assessors in the counties of Matagorda and Brazoria, without having noted on said rolls the exemptions provided for in this act, any person entitled to such exemption may obtain the benefit thereof by making his own affidavit, supported by the affidavits of two respectable citizens, showing that said applicant for exemption from taxes was, at the time of the happening of said storm, living on said Matagorda, Peninsula, or within the belt on the main land mentioned in this act; and upon presenting said affidavits to the proper Sheriff, said Sheriff shall deliver to the applicant the certificate of exemption from taxes for the year 1876, provided for in Section 2 of this act. And said Sheriff shall return said affidavits, accompanied by two lists of persons and property exempted thereon, to the County Commissioners' Court for approval or correction; and when approved or corrected, one of said lists shall be filed with the Clerk of the County Court and the other with the Comptroller of the State."

Change the number of the last section to number 4.

Senator Terrell, from Judiciary Committee No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 75, "An Act to amend an act entitled, 'An Act to attach the county of Crockett to the county of Kinney for judicial purposes, approved February 10, 1875,'" have had the same under consideration, and report it back to the Senate, and recommend that it do not pass.

TERRELL, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 174, "An Act to amend an act prescribing the mode of service in certain cases," have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

TERRELL, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 414, "An Act to provide for the manner of filling vacancies in the office of District or County Clerks in such counties as have elected but one Clerk, and to validate their acts," have had the same under consideration, and report it back to the Senate and recommend that it do not pass.

TERRELL, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 293, "An Act for the relief of all persons, their assigns, heirs and legatees, who received grants of land from the State of Coahuila and Texas prior to the closing of the Land Office on the 13th day of November, 1835," have had the same under consideration, and recommend that it do not pass.

TERRELL, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 277, "An Act supplementary to the different acts providing for the authentication and registry of deeds and other instruments of writ-

ing, and providing for making certified copies of deeds, and other instruments of written evidence, in the various courts of this State," have had the same under consideration, and report it back to the Senate and recommend that it do not pass. TERRELL, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 374, "An Act to amend the eighth section of 'An Act to regulate the appointment and define the duties of Notaries Public,' approved June 24, 1876," have had the same under consideration, and report it back to the Senate and recommend its passage. TERRELL, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate Joint Resolution No. 379, "To adjourn the Fifteenth Legislature *sine die* on Monday, the 14th inst., at 12 m.," have had the same under consideration, and report it back to the Senate with the following amendments :

Strike out the word, "Monday," and insert, "Wednesday."

Also, strike out, "14," and insert, "16."

Strike out Section 2.

As amended, we recommend its passage. TERRELL, for Committee.

Senator Thompson, from the Committee on Education, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

The Committee on Education, to whom was referred House Bill No. 419, "An Act to establish a branch of the Agricultural and Mechanical College of Texas for the benefit of the colored youths, and to make an appropriation therefor," have had the same under consideration, and instruct me to report it back, with the following amendments, and recommend its passage.

Substitute the following for the caption :

"An Act to establish an Agricultural and Mechanical College of Texas for the benefit of the colored youth, and to make an appropriation therefor."

In Section 1, line 5, after, "act," strike out down to, "Agricultural," in line 6, and insert, "an."

In Section 2, line 4, after, "select," strike out the words, "two or more places," and insert, "a suitable place."

In line 5, after, "said," strike out, "branch University," and insert, "Agricultural and Mechanical College."

In line 8, after, "1876," strike out all down to, "provided," in line 18.

In line 25, strike out the words, "branch University," and insert, "Agricultural and Mechanical College."

In line 26, strike out, "branch University," and insert, "Agricultural and Mechanical College."

In line 28, strike out, "a branch University of."

In line 30, strike out, "as," and after the word, "established," insert, "for the colored youth," and strike out, after, "established," down to, "and," in line 31.

In line 31, after, "and," insert, "shall."

In line 33, strike out, "said."

In line 34, strike out, "as aforesaid," and insert, "as established by an act of the Legislature, passed April 17, 1871."

In Section 3, line 4, strike out, "branch," and insert, "College."

In line 6, strike out, "three," and insert, "one."

In Section 3, strike out lines 8 and 9.

In Section 8, line 4, strike out the word, "branch," and insert the word, "College."

In Section 8, strike out lines 10 and 11, and insert the words, "any money in the Treasury not otherwise appropriated."

In Section 9, line 7, strike out the word, "branch," and insert the word, "College."

In Section 9, line 4, strike out "ten," and insert, "five."

THOMPSON *for Committee.*

Senator Ford, from the special Committee, to whom was referred Senate Bill No. 57, entitled, "An Act to set apart three million acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government," with all the pending amendments and substitutes, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Select Committee, appointed on Saturday last to consider Senate substitute for Senate Bill No. 57, entitled, "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain," the substitute being entitled, "An Act to provide for designating and surveying three million acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government," as well as several amendments thereto, submit the following report:

We favor the pending substitute, with the following amendment—the one offered by Senator Storey, reading as follows:

Substitute for Section 11:

"SECTION 11. It shall be the duty of the Comptroller of Public Accounts to sell said land, from time to time, for the best possible price, in tracts of not less than 160 acres to actual settlers, and in tracts of not less than 640 acres to other purchasers, and at not less than — cents per acre, and shall, upon the payment of the purchase money, give to the purchaser his receipt, under the seal of his office, describing the land sold; and upon the presentation of the same to the Commissioner of the General Land Office, it shall be his duty to issue to the purchaser, his heirs or assigns, a patent therefor, upon the payment of patent fees."

We would also recommend the adoption of the following amendment:

"SEC. —. That the Commissioner or Commissioners appointed under this act, shall examine all of said land and report fully the character of the soil, the topography, including the water-courses and timber of each section, and file the same with the Commissioner of the Land Office."

Also, the following amendment:

"The contracting party shall file a copy of the contract in the office of the District Surveyor, in the district in which he expects to make said surveys, before he begins surveying, and shall designate the territory which he intends surveying; and when said contract is so filed and surveys made by virtue thereof, the land surveyed shall be severed from the public domain of the State."

Strike out the word, "certificate," wherever it occurs in the original substitute.

FORD, *Chairman*.

On motion of Senator Edwards, Senator Douglass' leave was extended until Wednesday next.

The message of His Excellency, the Governor, was taken up, and read as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, August 4, 1876.

To the Honorable Senate of the State of Texas:

GENTLEMEN:—I respectfully ask your advice and consent to the following appointments, to-wit:

J. T. Ayres, in place of T. J. Ayres, Notary Public for Kaufman county.

E. D. McCoy, in place of D. M. McCoy, Notary Public for Summer-ville county.

J. C. Wright, in place of J. H. Wright, Notary Public for VanZandt county.

C. C. Stewart, Notary Public for Burnet county.

Duncan McCall, Notary Public for Cherokee county.

Thos. S. Buckner, Notary Public for Kimble county.

Very Respectfully,

RICHARD COKE, *Governor*.

On motion of Senator Grace, the message was set for consideration at 10 o'clock to-morrow morning.

On motion of Senator Ball, the rules were suspended, and Senate Bill No. 378, "An Act to amend 'An Act prescribing the time of holding the Districts Courts in the Twelfth Judicial District, and to attach certain counties therein named, for judicial purposes,'" approved May 29, 1876, was taken up, read second time, and ordered engrossed. •

On motion of Senator Ball, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Brady, Ford, Martin, Piner—4.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Brady, Martin, Piner—3.

Senator Terrell in the chair.

On motion of Senator Grace, the rules were suspended, and House Bill No. 69, "An Act to provide for the election of Justices of the Peace, and to define their powers and jurisdiction," was taken up and read first time.

On motion of Senator Storey, the rules were further suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Edwards, Francis, Grace,

Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—21.

NAYS—None.

NOT VOTING—Senators Blassingame, Brady, Ford, Martin, Thompson—5.

On motion of Senator Storey, the amendments of the committee were considered *seriatim*, and adopted.

Senator Guy moved that the vote adopting the amendment of the committee to Section 9, be reconsidered.

Lost.

Senator Crain offered the following amendment:

Insert, in Section 8, line 3, before the word, "that," the word, "except."

Adopted.

Senator Ball in the chair.

Senator Terrell offered the following amendment to the section defining the jurisdiction of Justices of the Peace, in matters of bail.

In Section 3, line 10, strike out the words, "regardless of amount," and insert in lieu thereof the words, "when the amount of the same shall not exceed two hundred dollars."

Lost.

The bill then passed to a third reading.

On motion of Senator Ledbetter, the rules were further suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Wortham—20.

NAYS—Senator McLeary—1.

NOT VOTING—Senators Brady, Francis, McCormick, Stephens, Thompson—5.

The bill was then read third time.

Senator Storey offered the following amendment:

In Section 24, line 4, strike out, "Justices," and insert, "District."

Adopted.

Senator Edwards moved a call of the Senate, which was seconded.

Roll called.

ABSENT—Senators Brady, Crain, McCormick, Stephens, Thompson—5.

Pending the call, the bill went to the table.

Senator Burton moved that the rules be suspended, to take up House Bill No. 419, "An Act to establish a branch of the Agricultural and Mechanical College of Texas, for the benefit of the colored youths, and to make an appropriation therefor."

Motion lost.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 139, "An Act concerning rents of lands and tenements, other than lands for cultivation," was taken up, read third time and passed.

On motion of Senator Storey, the call was suspended, and the consideration of House Bill No. 69 was resumed, and the bill passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Wortham—21.

NAYS—Senators McLeary, Ripetoe, Terrell—3.

NOT VOTING—Senators Brady, Thompson—2.

A message was received from His Excellency, the Governor.

A message was received from the House, announcing the passage by that body of Senate Bill No. 144, "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations, when so organized," with sundry amendments thereto.

On motion of Senator Piner, the rules were suspended, and Senate Bill No. 171, "An Act to provide for transcribing county records in certain cases," was taken up, and House amendment thereto concurred in.

Senator Wortham in the chair.

On motion of Senator Terrell, Senate Bill No. 57, "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain," was taken up.

Senator Ball, from the Special Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

A minority of the Special Committee beg leave to offer the accompanying bill as a substitute for the original Senate Bill, No. 57, and all the accompanying amendments thereto pending, and recommend its passage.

BALL, for Minority.

On motion of Senator F. M. Henry, fifty copies of the two reports, and accompanying substitute, were ordered printed, and the same made the special order for to-morrow at 4 o'clock P. M., and from day to day until disposed of.

On motion of Senator Crain, the rules were suspended and House Bill No. 277, "An Act to amend Article 721 of the code of criminal procedure," was taken up and read first time.

On motion of Senator Crain, the rules were further suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Brady, Francis, Henry F. M., Ripetoe—4.

Bill read second time and passed to third reading.

On motion of Senator Crain, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Brady, Francis, Ripetoe—3.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Brady, Francis, Ripetoe—3.

Senator McLeary offered the following concurrent resolution to provide for the dispatch of business:

*Be it resolved by the Senate, the House of Representatives concurring: First—*That hereafter no bills shall be introduced in either House, except such as are clearly directed by the Constitution.

*Second—*That the Senate shall act on House bills in preference to Senate bills, and the House of Representatives shall act on Senate bills in preference to House bills, as long as there are any Senate bills in the House, or any House bills in the Senate.

*Third—*That bills which are provided for in the Constitution shall have preference in the order of consideration over all other bills in each House.

*Fourth—*That no bill of a private or special nature shall be considered except at night sessions.

Read and referred to Committee on State Affairs.

Senator Crain, by leave, introduced a bill entitled, "An Act to amend Section 58 of an act entitled, 'An Act concerning private corporations,' approved April 23, 1874."

Read by caption and referred to Judiciary Committee No. 2.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 372, "An Act to confer additional jurisdiction upon the County Courts of Caldwell, Colorado, Lavaca, Gonzales, Comanche, Fort Bend, Harrison, Waller and Wharton counties," and find the same correctly engrossed.

STEPHENS, *Chairman.*

Senator Martin moved that the Senate adjourn until 4 o'clock this afternoon.

Lost by the following vote:

YEAS—Senator McLeary—1.

NAYS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Piner, Stephens, Storey—16.

NOT VOTING—Senators Brady, Francis, Grace, Martin, Ripetoe, Terrell, Thompson, Wortham—8.

The message of His Excellency, the Governor, was read as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, August 7, 1876. }

To the Honorable Senate of the State of Texas:

GENTLEMAN: I respectfully ask your advice and consent to the following appointments, to-wit:

S. M. Holmes, Notary Public for Guadalupe county.

John Humphrey, Notary Public for Bexar county.

E. F. Hall, Notary Public for Webb county, in place of E. T. Hall.

John L. McCarty, Notary Public for El Paso county, in place of John McCarty.

J. M. Lujan, Notary Public for El Paso county, in place of M. J. Lujan.

James A. Zabriskie, Notary Public for El Paso county, in place of A. Zabriskie. Very respectfully, RICHARD COKE.

On motion of Senator Henry of Cass, the message was made the special order for to-morrow at 10 o'clock A. M.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 372, "An Act to confer additional jurisdiction upon the County Courts of Caldwell, Colorado, Lavaca, Gonzales, Comanche, Fort Bend, Harrison, Waller, and Wharton counties," was taken up and read third time.

President in the chair.

Senator Thompson offered the following amendment:

In Section 1, line 8, after, "cases," strike out the balance of the section and insert, "when the accused is in custody and unable to give bond, except in capital cases."

Adopted.

On motion of Senator Piner, the Senate adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present.

Senate Bill No. 372, "An Act to confer additional jurisdiction upon the County Courts of Caldwell, Colorado, Lavaca, Gonzales, Comanche, Fort Bend, Harrison, Waller and Wharton counties," being the unfinished business, was taken up, and passed by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Ford, Guy, McCormick, Moore, Ripetoe, Stephens, Storey, Thompson, Wortham—13.

NAYS—Senators Ball, Blassingame, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, Piner—9.

NOT VOTING—Senators Brady, Francis, McCulloch, Terrell—4.

On motion of Senator Stephens, the rules were suspended, and House Bill No. 203, "An Act supplementary to 'An Act to create and organize the county of Somerville,' approved March 13, 1875," was taken up and read first time.

Senator McLeary in the chair.

On motion of Senator Crain, the rules were suspended, and House Joint Resolution No. 424, "Validating the acts of W. T. Neale, as Notary Public," was taken up, read second time and passed to a third reading.

On motion of Senator Ford, the rules were suspended, and House Joint Resolution No. 429, "An Act supplementary to and amendatory of an act entitled, 'An Act regulating the government of the Agricultural and Mechanical College of Texas,' approved March 9, 1875," was taken up, read third time and passed by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—20.

NAYS—Senators Ball, Grace, Martin—3.

NOT VOTING—Senators Brady, Francis, McLeary—3.

Senator Crain moved to reconsider the vote just taken.

Carried.

The bill then passed by the following vote :

YEAS—Senators Blassingame, Brown, Burton, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—21.

NAYS—Senators Ball, Martin—2.

NOT VOTING—Senators Brady, Francis, Stephens—3.

On motion of Senator Burton, the rules were suspended and House Bill No. 419, "An Act to establish a branch of the Agricultural and Mechanical College of Texas, for the benefit of the colored youths, and to make an appropriation therefor," was taken up and read first time.

Senator Crain moved to suspend the rules, and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Brady, Edwards, Francis, Guy, Terrell—5.

Bill read second time.

On motion of Senator Stephens, the amendments of the committee were adopted, and bill passed to a third reading.

Senator Crain moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Crain, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—20.

NAYS—Senator Ball—1.

NOT VOTING—Senators Brady, Edwards, Francis, Guy, McLeary—5.

Bill read third time, and passed by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Crain, Edwards, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—Senator Ball—1.

NOT VOTING—Senators Brady, Francis, Guy—3.

On motion of Senator Wortham, the rules were suspended, and House Bill No. 399, entitled, "An Act to detach the county of Rains from the Seventh Judicial District and to attach the same to the Eighth Judicial District, and to fix the times of holding the courts therein," was taken up and read second time.

On motion of Senator Martin, the further consideration of the bill was postponed until 10 o'clock A. M., to-morrow.

By leave, Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 345, entitled, "An Act to diminish the civil and criminal jurisdiction of the County Court of Angelina county, and to conform the juris-

diction of the District Court of said county to such change," have had the same under consideration, and I am instructed to report it back and recommend that it do pass. *PINER, Chairman.*

On motion of Senator Grace, the rules were suspended, and Senate Bill No. 262, entitled, "An Act to reserve from location, in the event of forfeiture, the public domain now reserved for the benefit of railroads and railroad companies," was taken up and read third time.

Senator Grace offered the following amendment:

- Amend by striking out the word, "of," in Section 1, line 18.

Adopted.

Also, the following amendment:

Amend by inserting the word, "acres," after the word, "eighty," in Section 1, line 25.

Adopted.

Senator Ball offered the following amendments:

In Section 1, line 15, strike out the word, "except," and insert the word, "and," in lieu thereof.

Adopted.

Strike out the figure "2," in Section 1, line 8, and insert the figure, "6," in lieu thereof.

Lost, by the following vote:

YEAS—Senators Ball, Blassingame, Henry F. M., Moore, Piner—5.

NAYS—Senators Burton, Crain, Edwards, Ford, Grace, Henry J. R., Ledbetter, Martin, McLeary, McCormick, McCulloch, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—17.

NOT VOTING—Senators Brady, Brown, Francis, Guy—4.

Senator Stephens offered the following amendment:

Strike out all after the word, "provided," to the word, "until," and insert, "no part of any of said reservations shall be subject to location as provided in this act."

Senator F. M. Henry moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Brady, Brown, Francis.

On motion of Senator Piner, Senator Brady was excused for five days.

Senator Crain moved to excuse Senator Francis.

Lost, by the following vote:

YEAS—Senators Brown, Burton, Crain, Ledbetter, McLeary, McCormick, McCulloch, Ripetoe, Stephens, Storey, Terrell, Thompson—12.

NAYS—Senators Ball, Blassingame, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Martin, Moore, Piner, Wortham—12.

Pending the call, the bill went to the table.

The resolution of Senator McCulloch, "To hold evening sessions, to begin at 4 o'clock p. m., for the purpose of disposing of private and local bills, and that no member shall speak longer than five minutes," etc., was taken up and read.

Senator Burton moved to strike out, "five minutes," and insert, "ten minutes."

Lost.

Senator Ripetoe moved to lay the resolution on the table.

Lost.

The resolution was then lost by the following vote:

YEAS—Senators Burton, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Terrell, Thompson, Wortham—10.

NAYS—Senators Ball, Blassingame, Brown, Edwards, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, Piner, Ripetoe—11.

NOT VOTING—Senators Crain, Francis, Ford, Guy—4.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 377, "An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties," was taken up, read second time, the amendments of the committee adopted, and bill ordered engrossed.

Senator Burton moved a suspension of the rules to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators, Ball, Blassingame, Brown, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—21.

NAYS—None.

NOT VOTING—Senators Francis, Grace—2.

Senators McCormick and Thompson were excused from voting on this bill.

The Senate was announced full, and the consideration of Senate Bill No. 262 resumed.

The amendment of Senator Stephens was pending.

Senator Piner moved the previous question on the passage of the bill and the pending amendments.

Seconded, and the main question ordered.

President in the chair.

Senator Stephens' amendment was lost by the following vote:

YEAS—Senators McLeary, McCulloch, Stephens, Storey, Thompson—5.

NAYS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, Moore, Piner, Ripetoe, Terrell, Wortham—20.

The bill was then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—Senator McLeary—1.

Senator Edwards, by leave, introduced a bill entitled: "An Act to provide for the transferring of all criminal cases in which indictments have been found to the proper courts having jurisdiction thereof."

Read by caption and referred to Judiciary Committee No. 2.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 171, entitled: "An Act to provide for transcribing county records in certain cases." The same has been properly signed and presented to the Governor this day, at 5 o'clock P. M., for his approval.

GRACE, *Chairman.*

Senator Guy, by leave, introduced a bill, to be entitled, "An Act to

amend subdivision 9, of Section 7, of an act entitled, 'An Act to provide for the payment of the bonds of the State of Texas that will become due, and that are retirable in the years 1876 and 1877; and to make adequate provisions for the floating indebtedness of the State; and to supply deficiencies in the revenue by the sale of bonds of the State; and to make an appropriation to carry into effect the provisions of the same,' approved July 6, 1876.

Read by caption, and referred to the Committee on State Finances."

The consideration of Senate Bill No. 377, "An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties," was resumed.

Bill was read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—22.

NAYS—None.

NOT VOTING—Senators McLeary, Thompson—2.

Senators McCormick and Thompson were excused from voting on this bill.

The President, after reading their captions, signed the following bills:

Senate Bill No. 171—"An Act to provide for transcribing county records in certain cases."

House Bill No. 323—"An Act to ascertain the amount due teachers for services rendered in the public schools from September 1, 1873, to January 1, 1876, and to provide for the payment of the same."

Senator Ball moved to adjourn until 9 o'clock to-morrow morning.

Lost.

On motion of Senator Burton, the rules were suspended, and House Bill No. 263, "An Act to levy a tax on dogs, and to provide for the assessment and collection of the same," was taken up.

Senator Crain in the chair.

The bill was read second time, and the amendments of the committee adopted.

Senator McLeary offered the following amendment:

In Section 4, line 8, after the word, "each," insert, "the scalps of hostile Indians at five dollars each."

Lost by the following vote:

YEAS—Senators Ball, Burton, Ford, McLeary, Terrell, Thompson—6.

NAYS—Senators Blassingame, Brown, Crain, Edwards, Francis, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Wortham—17.

NOT VOTING—Senators Grace, Stephens—2.

Senator McLeary offered the following amendment:

"*Provided*, that this act shall not apply to *pelone* dogs."

Lost.

Senator Ford offered the following amendment:

Amend by inserting, after the word, "scalps," in Section 4, line 5, the following: "Also, the scalps of leopards, American lions and sloths."

Adopted.

Senator Piner moved the previous question.

Seconded, and the main question ordered.

The Senate then refused to pass the bill to a third reading, by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Guy, Martin, McCormick, Piner, Ripetoe, Storey, Terrell—10.

NAYS—Senators Ball, Burton, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, McLeary, Moore, Thompson, Wortham—13.

NOT VOTING—Senators McCulloch, Stephens—2.

Senator McLeary moved to reconsider the vote just taken, and to lay that motion on the table.

Lost, by the following vote:

YEAS—Senators Burton, Ford, Ledbetter, McLeary, Ripetoe—5.

NAYS—Senator Ball, Blassingame, Brown, Crain, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Martin, McCormick, McCulloch, Piner, Storey, Terrell, Thompson, Wortham—18.

NOT VOTING—Senators Moore, Stephens—2.

On motion of Senator McLeary, the Senate adjourned until to-morrow morning at 9 o'clock, by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Ford, Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Wortham—16.

NAYS—Senators Blassingame, Edwards, Francis, Grace, Guy, Henry J. R., McCormick, Terrell, Thompson—9.

NINETY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 8, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Concurrent Resolution, "To provide for the dispatch of business," have had the same under consideration, and report it back to the Senate, and recommend its passage.

MCLEARY, *Chairman.*

Senator Edwards, from Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 3, entitled, "An Act concerning the taking of acknowledgments and proof of deeds, and other written instruments, and to validate certain acts of officers herein named," have had the same under consideration, and instruct me to report the same back with the accompanying amendments, and recommend that it do pass as amended.

EDWARDS, *for Committee.*

Amend Section 1, line 5, after the words, "Notaries Public," by inserting the words, "in the State."

In Section 2, line 6, before the words, "Clerk of the District Court,"